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10/733,314	12/12/2003	Werner Liederer	P24536	9074
7055 7590 03/24/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
MAKI, STEVEN D				
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1791				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Attachment

new issues

The new issues include (1) in claim 1, adding "and comprising a first angle relative to a circumferential direction of less than approximately 45 degrees and a second angle relative to the circumferential direction of greater than approximately 45 degrees"; (2) new combinations created by the dependency of claims 2-12, 14-38, 42, 67-69 and 71 on the above noted amended claim 1; (3) in claim 43, adding "each groove comprising a first angle relative to a circumferential direction of less than approximately 45 degrees in the central area and a second angle relative to circumferential direction of greater than approximately 45 degrees in the area of the tread edges"; and (4) in claim 61, adding "each groove comprising a first angle relative to a circumferential direction of less than approximately 45 degrees in the central area and a second angle relative to circumferential direction of greater than approximately 45 degrees in the area of the tread edges".

issue of new matter

In claim 1, adding "and comprising a first angle relative to a circumferential direction of less than approximately 45 degrees and a second angle relative to the circumferential direction of greater than approximately 45 degrees" without the subject matter of the first angle being in the central area and the second angle being in the area of at least one of the tread edges raises an issue of new matter.

remarks

With respect to Great Britain 217, applicant argues that grooves 5 have straight sections in areas X2 of the tread and are not continuously curved. This argument is not persuasive since Great Britain 217 teaches shaping the inclined groove 5 along a circular arc (page 7). Applicant fails to address Great Britain 217's written description of "The left and right lug grooves 5 are inclined grooves inclining from the narrow groove 2 towards the reverse direction to the rotating direction R of the tire. The inclined grooves are shaped in a circular arc which is convex towards the reverse direction to the rotating direction of the tire" (emphasis added).

With respect to Great Britain 217, applicant argues that the grooves do not have a first angle less than approximately 45 degrees and a second angle greater than 45 degrees. Applicant is incorrect. Figure 1 shows the grooves 5 as being inclined at about 90 degrees with respect to the circumferential direction in the shoulder rows X3. Also, a tangent to one of the edges of the groove 5 at the circumferential groove 2 is inclined at about 20 degrees with respect to the circumferential direction. This change in angle is consistent with Great Britain 217's teaching to shape the inclined grooves 5 in a circular arc.

Applicant's argument that Great Britain 217 does not disclose the claimed base pitches is not persuasive since each base pitch in Great Britain 217 comprises two shoulder blocks, one groove 5 and one groove 7. Applicant has provided no explanation why the pattern comprising two shoulder blocks, one groove 5 and one groove 7 does not repeat so as to preclude such a pattern being a base pitch.

Applicant asserts that examiner acknowledges that Great Britain 217 lacks continuous curved grooves and base pitches. Applicant is incorrect since Great Britain 217 is considered by the examiner to teach continuous curve grooves and base pitches. Great Britain 217's disclosure of shaping the inclined grooves in a circular arc is considered by the examiner to anticipate or render obvious continuously curved grooves. Examiner already explained why Great Britain is considered to disclose base pitches. Moreover, it is undisputed that Europe 436, Japan 610 and German 061 teach base pitches. These references are combinable with Great Britain 217 since Great Britain 217, Europe 436, Japan 610 and German 061 teach tire tread patterns having rows of blocks and desire noise reduction; it being noted that the pitching concepts in Europe 436, Japan 610 and German 061 are independent of the angle of inclination of the lateral grooves.

With respect to Europe 822, applicant argues and examiner agrees that the blocks in the illustrated embodiment of figure 2 are circumferentially aligned and not circumferentially offset. However, Europe 822 describes an embodiment not shown wherein the figure 2 tread pattern is modified by shifting one side of the tread relative to the other side of the tread. See page 3 lines 3-5 of the machine translation. In any event: Graas provides ample motivation (improve noise properties) to circumferentially offset the blocks of Europe 822 as claimed.

With respect to Europe 822, applicant argues that the tread in figure 2 of Europe 822 merely shows two apparently different pitch lengths with two profile structures of each pitch length having the same circumferential length. Applicant is incorrect and,

consequently, applicant's arguments based on this incorrect observation are not persuasive. The profile structures (shoulder blocks) in each base pitch have different lengths. See figure 1. It is noted that the figure 2 embodiment is the same as the figure 1 embodiment except that the lateral grooves are continuously curved.

With respect to Europe 822, applicant comments that groove section 2b and groove section 3b appear to be greater than 45 degrees with respect to the circumferential direction. Examiner agrees groove section 3b is inclined at angle within the range of greater than approximately 45 degrees. Groove section 3b is inclined at about 90 degrees with respect to the circumferential direction. However, a tangent to the groove edge of groove section 2b at the center circumferential groove is inclined at angle within the broad range of less than approximately 45 degrees. This change in angle is consistent with Europe 822's teaching that the groove is arc shaped curved.

Applicant argues that there is no basis for combining Europe 436 and/or Graas with Europe 822. This argument is not persuasive since Europe 822, Europe 436 and Graas teach tire tread patterns having rows of blocks and desire noise reduction; it being noted that Graas and Europe 436's pitching concepts are independent of the angle of inclination / curvature of the lateral grooves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Steven D. Maki/
Primary Examiner, Art Unit 1791

Steven D. Maki
March 15, 2008